

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, AUGUST 28, 2013

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: JANET DUNN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
VICKI GRAHAM, DEPUTY TREASURER
DINO F. BUCCI, JR, TRUSTEE
CLIFFORD W. FREITAS, TRUSTEE
ROGER KRZEMINSKI, TRUSTEE
NANCY NEVERS, TRUSTEE

ABSENT: KAREN GOODHUE, TREASURER – EXCUSED ABSENT

ALSO PRESENT: Lawrence M. Scott, Legal Counsel
James Van Tiflin, Township Engineer Director
(Additional attendance on file at the Clerk's Office)

Supervisor DUNN called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

1. Clerk KOEHS called the roll and TREASURE GOODHUE was absent.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and item #9 was tabled to September 11, 2013, item #22 was added to Executive Session, and items 13-A and 13-B were added.

MOTION by BUCCI seconded by KRZEMINSKI to approve the agenda as amended.

MOTION carried.

APPROVAL OF THE BILLS

3. Both bill runs were reviewed and there were no additions, deletions or corrections.

MOTION by NEVERS seconded by FREITAS to approve both bill runs as presented.

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MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on August 14, 2013 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by KRZEMINSKI seconded by KOEHS to approve the minutes of the meeting of August 14, 2013 as presented.

MOTION carried.

5. Consent Agenda Items:

- A. Water and Sewer Department:
1. Easement Encroachment: Lot 223, Jefferson Meadows Subdivision No. 3, Sidwell #08-30-203-002.
 2. Easement Encroachment: Lot 239, Edinburgh Estates Subdivision No. 2, Sidwell # 08-22-257-001.
 3. Easement Encroachment: Lot 34, Chelsea Park Subdivision Sidwell # 08-28-203-033.
 4. Easement Encroachment: Lot 67, Golden Gate Subdivision Sidwell # 08-22-404-015.
 5. Easement Encroachment: Lot 19, Breton Woods Site Condos.
 6. Request Authorization to Pay Clinton River Watershed Council for Annual Storm Water Education.
 7. Request Authorization to Pay Advanced Underground Inspection LLC for Sanitary Sewer and Strom Maintenance.
- B. Facility and Grounds Department:
1. Request to Purchase Paper Shredder for Town Hall.
 2. Request to Replace Carpeting at Station 4.
- C. Human Resources Department:
1. Request to Rescind Offer of Employment-Recruit Paid-On-Call Firefighter.

Supervisor DUNN reviewed this matter and asked if any of the Board members wanted to remove any item from the Consent Agenda and place it for discussion on the regular agenda.

MOTION by BUCCI seconded by FREITAS to approve the Consent Agenda as presented.

MOTION carried.

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6. **Public Comments, Agenda Items Only**

None

PUBLIC HEARING

7. Street Lighting Special Assessment District; Lake Arrowhead Phase II.

Clerk Koehs stated Lake Arrowhead has only one property owner and the lots have not been split at this time.

MOTION by KOEHS seconded by KRZEMINSKI to close the Public Hearing.

MOTION carried.

MOTION by KOEHS seconded by NEVERS to approve the Street Lighting Special Assessment District for Lake Arrowhead Phase II as proposed.

MOTION carried.

8. Industrial Facilities Exemption Certificate; Triumph Gear.

Larry Scott, Township Attorney, stated the approval of the amendment to the Industrial Facilities Exemption Certificate will coincide with the existing Industrial Facilities Exemption Certificate and both will expire in the year 2020.

MOTION by KRZEMINSKI seconded by NEVERS to approve the Amendment to the 2011 Industrial Facilities Exemption for Triumph Gear to coincide with the existing Industrial Facilities Exemption.

MOTION carried.

MOTION by FREITAS seconded by KOEHS to close the Public Hearing.

MOTION carried.

OLD BUSINESS

9. Request to Prepare Plans and Specifications for Twin Rivers Access Road from Hall Road.

MOTION by BUCCI seconded by KRZEMINSKI to table the request for Twin Rivers Access Road to the meeting of September 11, 2013.

MOTION carried.

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NEW BUSINESS

10. Request to Accept an Informal Petition; Special Assessment District for 26 Mile Road and Hayes Water Main.

Jim Van Tiflin, Township Engineer, stated the Clerk's Office received a request for the installation of water main from Brentwood Subdivision to 25 Mile Road and to 26 Mile Road to Kroger's. Mr. Van Tiflin mentioned the petitions had been circulated and with a 72.9% participation rate. Mr. Van Tiflin stated the installation of the water main would cross 3 major water crossings, 1 river and 2 drains along with an Edison corridor. Mr. Van Tiflin requested the Board receive the informal petition and recommended approval of the 26 Mile Road and Hayes Water Main. Mr. Van Tiflin stated it would be a one sided assessment due to the fact the other side of 26 Mile Road and Hayes are located in Shelby Township and Ray Township and for this reason the cost would increase. Mr. Van Tiflin requested input from the Board on what the participation would be as far as the Township involvement in the project and mentioned the preliminary estimates of Sixty-Nine Thousand Five Hundred dollars (\$69,500.00) for the 2 drains and the utility corridor and Five Hundred Fifty-Three Thousand Five Hundred Dollars (\$553,500.00) for the improvements on the opposite side of the road. Mr. Van Tiflin stated the next step would be to prepare a formal petition.

MOTION by KREMINSKI seconded by FREITAS to accept the informal petition and to authorize the Clerk to create a formal petition for the Special Assessment District for the 26 Mile Road and Hayes Water Main.

MOTION carried.

MOTION by KRZEMINSKI seconded by NEVERS to authorize the Township to participate in the special assessment district as directed by the Township Engineer.

MOTION carried

11. Request to Adopt Resolution Declaring September as Childhood Cancer Awareness Month.

Clerk Koehs spoke regarding Childhood Cancers and that more than 11,000 children are diagnosed with cancer every year. Clerk Koehs stated he received a request from a resident requesting a resolution be adopted to make the month of September of every year as Childhood Cancer awareness month to make everyone aware that children are affected too.

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MOTION by KOEHS seconded by KRZEMINSKI to adopt the following resolution declaring September Childhood Cancer Awareness month:

**Resolution to Declare September as
Childhood Cancer Awareness Month**

At a regularly scheduled meeting of the Macomb Township Board of Trustees held on Wednesday, August 28, 2013 at 7:00 p.m. at the Township Hall, a motion was made by Member Koehs and seconded by Member Freitas to adopt the following resolution:

Whereas, 36 children in the United States will be diagnosed with cancer each day and at an average age of six-years-old; and,
Whereas, one out of five children diagnosed with cancer will not survive the disease; and,
Whereas, the types of cancers that affect children are most often very different from those that affect adults; and,
Whereas, childhood cancer is not just one disease but is made up of a dozen types and countless subtypes of cancer; and,
Whereas, childhood cancer spares no socioeconomic, ethnic, racial or geographic class; and,
Whereas, pediatric cancer is the leading cause of death by disease in US children under 15 years of age; and,
Whereas, the causes of most pediatric cancers are largely unknown and not strongly linked to lifestyle, unlike adult cancers; and,
Whereas, two-thirds of childhood cancer patients will develop long-lasting chronic conditions resulting from treatment; and,
Whereas, the childhood cancer rates have been rising for the past few decades, and approximately 11,630 children in the US under the age of 15 will be diagnosed with cancer in 2013; and,
Whereas, cancer kills more kids than AIDS, asthma, cystic fibrosis, diabetes, and muscular dystrophy combined; and,
Whereas, in the last 25 years, only 2 drugs have been specifically developed for children's cancer; and,
Whereas, less than 5% of the federal government's total funding for cancer research is dedicated to childhood cancers, and only about 3% of funds raised for the National Cancer Institute go directly to pediatric cancer research; and,
Whereas, the funding for pediatric cancer research has gone down steadily since 2003; and,
Whereas, despite the facts, childhood cancer research is vastly and consistently underfunded; and,
Whereas, despite major advances in treatment, it is still critically important to conduct research and increase awareness regarding pediatric cancer,
Therefore, the Macomb Township Board of Trustees does hereby proclaim September as CHILDHOOD CANCER AWARENESS MONTH in Macomb, MI order to help raise awareness of pediatric cancer and its victims.

YEAS: KOEHS, FREITAS, NEVERS, KRZEMINSKI. BUCCI, DUNN
NAYS: NONE

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ABSENT: GOODHUE

MOTION carried, resolution declared adopted.

12. Request to Purchase Software Upgrade for Exchange 2013.

Bob Ivanovski, IT Manager, was requesting an upgrade on the Exchange Server from 2003 to 2013. Mr. Ivanovski stated the benefits to the installation upgrade to the sever. Mr. Ivanovski stated he received four bids ranging from \$19,991.00 to \$53,845.00. Mr. Ivanovski recommended the bid in the amount of Nineteen Thousand Nine Hundred Ninety One Dollars (\$19,991.00) be awarded to IMIH Group.

MOTION by KOEHS seconded by NEVERS to award the Exchange 2013 upgrade Server to IMIH Group in the amount of Nineteen Thousand Nine Hundred Ninety One Dollars (\$19,991.00) to IMIH Group.

MOTION carried.

13. Request to Adopt Emergency Evacuation and Response Policy.

Supervisor Dunn spoke regarding a policy for Emergency Evacuation and Response. Supervisor Dunn stated the Employee Safety Committee and the Deputy Fire Chief had reviewed the Emergency Evacuation policy. Supervisor Dunn mentioned the Safety Committee is in the process of reviewing other safety concerns for the benefit of the employees and the residents should an emergency occur.

MOTION by BUCCI seconded by FREITAS to adopt an Emergency Evacuation and Response Policy as presented.

MOTION carried.

- 13-A Request approval for the Tentative Preliminary Plat for Clearstone Subdivision Phase II.

Jim Van Tiflin, Township Engineer, stated this is the second phase for the Clearstone Subdivision and is located on the southwest corner of 26 Mile Road and will consist of 41 lots. Mr. Van Tiflin stated all the departments have reviewed the Tentative Preliminary Plat and the Planning Commission recommends its approval.

Bill Thompson from Lehner & Associates was present for the Petitioner and to answer any questions.

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MOTION by KOEHS seconded by FREITAS to follow the recommendations of the Planning Commission and grant Tentative Preliminary Plat for the Clearstone Subdivision Phase II.

MOTION carried.

- 13-B Request approval for the Technical Change to the Tentative Preliminary Plat for the River Pointe Subdivision.

Jim Van Tiflin, Township Engineer, mentioned this subdivision is located on 25 Mile Road just east of Hayes Road. Mr. Van Tiflin stated the River Pointe Subdivision has been in review for many years and that the Developer is now ready to proceed forward with the project. Mr. Van Tiflin spoke regarding the Technical Change request due to the changes by the Road Commission, changes in the eyebrows and several lot dimensions needed to be revised.

Bill Thompson from Lehner & Associates was present for the petitioner and to answer any questions.

MOTION by FREITAS seconded by KRZEMINSKI to grant the Technical Change for the River Pointe Subdivision.

MOTION carried.

ENGINEERING DEPARTMENT

14. Request to Adopt Petition; Conklin Drain Cleanout and Restoration.

Jim Van Tiflin, Township Engineer, mentioned that at the last meeting in June the Board authorized a project to clean out the Conklin Drain from North Avenue to 1,200 feet north of 21 Mile Road. Mr. Van Tiflin stated the Engineer has started the design work for the project, The County is requesting as part of their standard procedure that a Resolution Petition be drawn up and signed by the Township Clerk and Supervisor authorizing the start of the project.

MOTION by BUCCI seconded by KRZEMINSKI to adopt a resolution for the filing of a petition for the Conklin Drain Cleanout and Restoration.

**Resolution Authorizing the Filing of a Petition
for Clean Out of the Conklin Drain Located in
Sections 25, 35 and 36 of Macomb Township, Macomb County, Michigan**

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At a regular meeting of the Township Board for the Township of Macomb, Macomb County, Michigan, held in the Township Municipal Building, on August 28, 2013 at 7:00 P.M.,

Present: BUCCI, FREITAS, KRZEMINSKI, NEVERS, KOEHS, DUNN

Absent: GOODHUE

The following Resolution was made by BUCCI and seconded by KRZEMINSKI.

Recitals:

- 1. The Conklin Drain, located in Sections 25, 35 and 36 of Macomb Township, was established as an intra-county drain on March 31, 1916.**
- 2. The Conklin Drain is under the jurisdiction and control of the Macomb County Public Works Commissioner, pursuant to the Michigan Drain Code, Act 40 of Public Acts of 1956, as amended, Michigan Compiled Laws 280, 1 et seq.**
- 3. The hydraulic drainage capacity of the Conklin Drain has, over time, become restricted by the deposit of sediment and vegetated material and is in need of a clean out for reasons of public health, convenience and welfare. The route of the proposed drain clean out commences at North Avenue and proceeds in an easterly and northerly direction a distance of approximately 2,800 lineal feet, ending at a point 1,250 feet north of 21 Mile Road.**
- 4. The project consists of excavation of sediment and vegetated material from the channel, re-establishing the banks and providing positive drainage throughout the project reach, in order to facilitate drainage in the Conklin Drain Drainage District.**
- 5. Improvement of the Conklin Drain requires the filing of a petition with the Macomb County Public Works Commissioner by property owners in the drainage district or the Township Board of Macomb Township.**

When necessary for the public health of a municipality, a petition may be signed solely by a municipality when authorized by its governing body, if

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the municipality will be liable to assessments at large for a percentage of the total amount assessed for the cost of the proposed work.

6. Cleanout of the Conklin Drain is necessary and conducive to the public health, convenience and welfare of property owners in the drainage district and the public at large and Macomb Township will be liable to assessments at large for a percentage of the total amount assessed for the cost of the cleanout. Whereas:

The Township understands and agrees that it will be subject to assessments to pay the cost of the drain improvement described in the preamble to this Resolution along the route defined, after notice and public hearings, as provided by law.

The Supervisor and Clerk are authorized and directed to execute a Petition for clean out of the Conklin Drain pursuant to Section 191 of the Michigan Drain Code, Act 40 of Public Acts of 1956, as amended, Michigan Compiled Laws 280.191, as described in this Resolution and to file the Petition with the Macomb County Public Works Commissioner.

AYES: BUCCI, FREITAS, KRZEMINSKI, NEVERS, KOEHS, DUNN

NAYS: NONE

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board for the Township of Macomb at a regular meeting held on August 28, 2013.

Michael Koehs, Township Clerk

YEAS: BUCCI, KRZEMINSKI, FREITAS, NEVERS, KOEHS, DUNN

NAYS: NONE

ABSENT: GOODHUE

MOTION carried, resolution declared adopted.

15. Request to Authorize Supervisor and Clerk to Sign Petition for Cleanout of the Conklin Drain.

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MOTION by KOEHS seconded by NEVERS to authorize the Clerk and Supervisor to the sign the petition for the cleanout of the Conklin Drain.

MOTION carried.

16. Request to Approve Storm Water, Asset Management and Waste Water (SAW)

Jim Van Tiflin spoke regarding a proposal from the Engineering Firm of Fishbeck, Thompson, Carr and Huiber to prepare and submit an application with the MDEQ for a SAW Grant. Mr. Van Tiflin explained the SAW Grant and the purpose is to institute an Asset Management Plan for the Sanitary Sewer System. Each municipality could receive up to Two Million Dollars (\$2,000,000.00) in grant money. Mr. Van Tiflin mentioned that the municipality must match with 10% match with the first million and 25% with the second million, and basically with Three Hundred and Fifty Thousand Dollars (\$350,000.00) the Township can get Two Million Three Hundred Fifty Thousand Dollars (\$2,350,000.00) worth of the Asset Management work done. Mr. Van Tiflin informed the Board the Asset Management funds would be used for the cleaning and inspecting of all the Sanitary Sewers in the Township that are older than 20 years old, inspection of all 5,000 manholes and GPS them, create a model of the Sanitary Sewer System that can be used for development and for our Capital improvements and create a GIS program and software equipment. Mr. Van Tiflin spoke regarding future changes such as sewer rates and see what changes the Township must make so in the long term the Township can sustain the system. Mr. Van Tiflin stated that he and Gerry Wangelin (W & S Superintendent) are both recommending the approval to the Township Board.

MOTION by BUCCI seconded by KOEHS to approve the proposal for Fishbeck, Thompson, Carr and Huiber to write the grant.

MOTION carried.

Public Comments, Non-Agenda Items Only - (3 minute time limit)

Gail Cote, Mary Dunn, Debbie Ryle, Dan Petkoff, Anthony Botsolino, Walter Petroski, Aleneti Georgin, Wendy Quvery, Barb Tomashevski, Mark Grabow and Ed Jawad all spoke regarding their displeasure in the new SMART Transportation System.

Salvatore DiCaro, (Parks and Recreation Director) and Fred Barbret (SMART) spoke regarding the transportation change to the SMART Transportation System and the corrections and resolutions that were made to accommodate the needs of the users.

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Cindy Berlin spoke in regards to the comments made regarding the SMART System.

BOARD COMMENTS

17. Supervisor Comments

Supervisor Dunn reminded everyone of the Household Hazardous Waste Day on Saturday, September 14, 2013 between the hours of 9:00 a.m. and 1:00 p.m. at the Senior Center. Supervisor Dunn stated that the building permit for 45301 North Avenue has expired. Supervisor Dunn reviewed this matter with Larry Scott (Township Attorney), Mr. Furtah and the Building Director. The Board can authorize an Extension of Time to complete the work. Supervisor Dunn state Mr. Furtah stated he could finish the work by the end of November. Supervisor Dunn then requested a motion to extend the building permit to November 30th, 2013.

MOTION by BUCCI seconded by KRZEMINSKI to authorize the extension of time of the building permit for 45301 North Avenue to November 30, 2013.

MOTION carried.

18. Clerk Comments

None

19. Treasurer Comments

None

20. Trustees Comments

None

MOTION by BUCCI seconded by KRZEMINSKI to adjourn to Executive Session at 8:07 P.M.

The Board returned to regular session at 8:31 p.m.

EXECUTIVE SESSION

21. Request to Purchase Tax Reverted Properties.

MOTION by KOEHS seconded by FREITAS to authorize the purchase of the tax reverted properties on the list from the County Treasurer from June 26, 2013 contingent upon legal review of the status of the property.

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MOTION carried.

22. Michigan Association of Fire Fighters Negotiations Update – Information Only.

MOTION by KOEHS seconded by FREITAS to deny the request by the Michigan State Mediator as discussed.

MOTION carried.

ADJOURNMENT

MOTION by BUCCI seconded by FREITAS to adjourn the Board of Trustees meeting at 8:35 p.m

Respectfully Submitted,

Janet I. Dunn
Macomb Township Supervisor

Michael D. Koehs, CPM, CMC
Macomb Township Clerk